REMARKS

Applicants have amended claim 14 to replace the term "defined as in claim 1" as applied to the variables R^2 and R^3 with the actual definitions of those variable as set forth in claim 1. Also, Applicants have amended claim 15 to delete the seventh and eighth listed species. Applicants have canceled claims 16, 25 and 26. Applicants make these cancellations without prejudice to their right to prosecute the subject matter of canceled claims in related continuation applications. None of these amendments adds new matter to the application.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claim 16 under 35 U.S.C. § 112, first paragraph, "as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

Applicants have canceled claim 16 thereby rendering this rejection moot. Applicants make this cancellation without prejudice to their right to prosecute the subject matter of canceled claim 16 in related continuation applications.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 15, 16, 25 and 26 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has set forth the following particular objections:

a) Claim 15: "7-phenyl"

The Examiner has objected to the recitation of the "limitation '7-phenyl' in the seventh and eighth species" of claim 15 as having "insufficient antecedent basis" in claim 1.

Applicants have deleted the seventh and eighth compounds from claim 15. Accordingly, this objection is now moot.

b)-f) Claim 16: "5,7-dioxo", "5-oxo", "6-oxo", "5-dioxo" and "6,7-dioxo"

The Examiner has objected to claim 16 as having "insufficient antecedent basis" to support the presence of the terms: "5,7-dioxo" in the first and fourth species, "5-oxo" in the second and fifth species, "6-oxo" in the third, sixth and eleventh species, "5-dioxo" in the seventh and eighth species and "6,7-dioxo"in the ninth and tenth species.

Applicants have canceled claim 16, as noted above, thereby rendering this series of objections moot.

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g) Claim 25: "6-one"

The Examiner has objected to the "limitation '6-one' in the species" in claim 25 as "having insufficient antecedent basis."

Applicants have deleted claim 25, thereby rendering this objection moot. Applicants make this cancellation without prejudice to their right to prosecute the subject matter of canceled claim 25 in related continuation applications.

h) -i) Claim 26: "6-oxo" and double bond at 6-position

The Examiner has objected to the "limitation '6-oxo' in the species" in claim 26 as "having insufficient antecedent basis." In addition, the Examiner has asserted that claim 26 is "vague and indefinite in that it is not known what is means by 2(10),3,6,8,-tetraene where the double bond to the 6 position creates a pentavalent carbon atom.

Applicants have deleted claim 26, thereby rendering this objection moot. Applicants make this cancellation without prejudice to their right to prosecute the subject matter of canceled claim 26 in related continuation applications.

Obviousness-Type Double Patenting

The Examiner has provisionally rejected claims 1, 2, 8-10 and 14-26 under the doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 7-11, 15, 17, 18, 21-24, 27-29 and 32 of co-pending application Ser. No. 09/514,002. The Examiner states that although "the conflicting claims are not identical, they are not patentably distinct from each other because the compounds of the instant invention embrace the compounds of" Ser. No. 09/514,002.

Applicants traverse. The currently pending claims as amended herein do not present any conflict with the claims in co-pending parent application No. 09/514,002. The claims of the present application relate to compounds of formula (I) wherein the R^2 and R^3 groups together with carbon atoms to which they are attached form a ring structure. The claims of co-pending parent application No. 09/514,002 relate solely to those compounds of formula (I) wherein the R^2 and R^3 groups do not together with carbon atoms to which they are attached form a ring structure. Accordingly, in the absence of any conflicting claims, the Examiner is requested to withdraw this obviousness-type double pending rejection.

Applicants believe the present amendments render the set of pending claims in condition for allowance and request the prompt issuance of a Notice of Allowance. If a telephone interview would assist the furtherance of the prosecution of this application, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

Date: 11/14/2001

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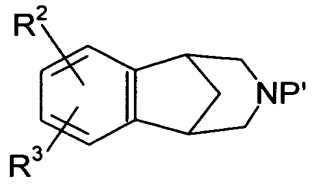
APPENDIX TO RESPONSE AND AMENDMENT
USSN 09/402,010

MARKED-UP VERSIONS OF AMENDED CLAIMS - DO NOT ENTER

Please enter claims 14 and 15 amended as set forth below:

14. (Twice Amended) A compound of the formula (I')



(I')

wherein R^2 and R^3 [~~are defined as in claim 1;~~] , together with the carbons to which they are attached, form a four to seven membered monocyclic, or ten to fourteen membered bicyclic, carbocyclic ring that can be saturated or unsaturated, wherein from one to three of the nonfused carbon atoms of said monocyclic rings, and from one to five of the carbon atoms of said bicyclic rings that are not part of the benzo ring shown in formula I, may optionally and independently be replaced by a nitrogen, oxygen or sulfur, and wherein said monocyclic and bicyclic rings may optionally be substituted with one or more substituents that are selected, independently, from (C_1 -C_6) alkyl optionally substituted with from one to seven fluorine atoms; (C_1-C_6)alkoxy optionally substituted with from one to seven fluorine atoms; nitro, cyano, halo, (C_2-C_6)alkenyl, (C_2-C_6)alkynyl, hydroxy, amino, (C_1 -C_6)alkylamino and ((C_1 -C_6)alkyl)$_2$amino, -CO_2R^4, -$CONR^5R^6$, -$SO_2NR^7R^8$, -$C(=O)R^{13}$ and -$XC(=O)R^{13}$;

wherein each R^4, R^5, R^6, R^7, R^8 and R^{13} is selected, independently, from hydrogen and (C_1 -C_6) alkyl, or R^5 and R^6, or R^7 and R^8 together with the nitrogen to which they are attached, form a pyrrolidine, piperidine, morpholine, azetidine, piperazine, -N-(C_1-C_6)alkylpiperazine or thiomorpholine ring, or a thiomorpholine ring wherein the ring sulfur is replaced with a sulfoxide or sulfone; and

each X is, independently, (C_1-C_6)alkylene;

and P′ is $COOR^{16}$ wherein R^{16} is allyl, 2,2,2-trichloroethyl or (C_1-C_6)alkyl; -$C(=O)NR^5R^6$ wherein R^5 and R^6 are selected, independently, from hydrogen and (C_1 -C_6) alkyl, or R^5 and R^6 together with the nitrogen to which they are attached, form a pyrrolidine, piperidine, morpholine, azetidine, piperazine, -N-(C_1-C_6)alkylpiperazine or thiomorpholine ring, or a thiomorpholine ring wherein the ring sulfur is replaced with a sulfoxide or sulfone; -C(=O)H, -C(=O)(C_1-C_6)alkyl wherein the alkyl moiety may optionally be substituted with from 1 to 3 halo atoms; benzyl, or t-butoxycarbonyl (t-Boc).

15. (Amended) A compound according to claim 1 selected from the group consisting of:

5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

7-methyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

6-methyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

7-propyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

7-butyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

6-methyl-7-isobutyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

~~[7-phenyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;~~

~~6-methyl-7-phenyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;~~]

7-neopentyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

6-methyl-7-neopentyl-5,7,13-triazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,5,8-tetraene;

6-methyl-5-oxa-7,13-diazatetracyclo[9.3.1.$0^{2,10}$.$0^{4,8}$]pentadeca-2(10),3,6,8-tetraene;

and pharmaceutically acceptable salts thereof.

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